IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

**THE HON'BLE MR JUSTICE N.V. RAMANA**

**WRIT PETITION NO : 16694 of 2006**

**DATED: 11.08.2006**

**Between:**

M.Surendra Babu and others
petitioners

And

The Chairman & Managing Director,
Southern Power Distribution Company Limited,
Tirupathi and others
Respondents

**THE HON'BLE SRI JUSTICE N.V.RAMANA**

**WRIT PETITION NO. 16694 of 2006**

ORAL ORDER:

In the present writ petition, the petitioners seek a direction to the 4th respondent –Assistant Provident Fund Commissioner, Kadapa to recover arrears of P.F. contributions from the year 1985 onwards and credit the same to their respective P.F accounts.

The petitioners herein claim that they are engaged by first respondent and working as contract labour at 33/11 KV sub stations situated at various places in the State. The allegation of the petitioners is that they are covered under the provisions of the E.P.F and M.P. Act, 1972 and the respondents 1 to 3 for the reasons best known to them are not deducting and depositing the contributions with the fifth respondent.

It is stated that the erstwhile A.P.S.E.B has issued memo No.972/97 dated 24.9.1997 directing all the Chief Engineers and Superintending Engineers to ensure that P.F contributions in respect of contract labour are remitted to the P.F Commissioners duly recovering the same from the bills of the contractors. It is further stated that the respondents had remitted the P.F. contributions for the period from April ,2000 to September,2003 only instead from 1985-86 onwards. Thus, the petitioners claim that P.F contributions should be deducted from the year 1985 onwards and seek to direction to that effect in the present

writ petition.

Heard the learned counsel for petitioners, learned Standing Counsel for respondents 1 to 3 and also the learned Standing Counsel for 4th respondent.

If the petitioners claim that the P.F. contributions should be deducted from the year 1985 and not from the year 2000, at the first instance they have to approach the concerned officials of Southern Power Distribution Company Limited or the Assistant Provident Fund Commissioner requesting to extend the said benefit. The entitlement or otherwise of the petitioners has to be decided by the authorities concerned and the same cannot be looked into by this Court. In the present case, the petitioners without approaching the concerned authorities and even without submitting a representation to the authorities approached this Court seeking a direction to the fifth respondent to recover the E.P.F contributions from the year 1985. Based on oral submissions without deciding the eligibility of the petitioners, this Court cannot direct the fifth respondent to straight-away recover the P.F. Contributions from the year 1985.

There are no merits in the writ petition. Accordingly, the writ petition is dismissed. However, the petitioners are at liberty to submit a detailed representation to the first respondent herein. On filing such a representation, the first respondent is directed to consider the same and pass appropriate orders in accordance with law. No costs.

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N.V.RAMANA,J

DATE: 11.08.2006

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